

PROPOSED CHANGES TO SECTION V.D. & V.E.

~~Strikethrough~~ indicates language proposed for deletion by Planning Board

Underline indicates language proposed for inclusion by Planning Board

[Bracket] indicates Department of Community Development Amendment

SECTION V

NONCONFORMING LOTS, BUILDINGS AND USES

D. Nonconforming Lots

~~Except as provided below, Vacant~~ lots which do not conform to the dimensional ~~or area~~ requirements of this Bylaw, ~~as amended, and which are held in common ownership with contiguous lots,~~ shall not be ~~individually~~ built upon ~~unless combined and/or re-subdivided so as to meet the revised dimensional and area requirements except as provided below.~~

“Preamble” revised for clarity and consistency with proposed changes to V.D.1 and V.D.2

1. Vacant Single lots. As provided in MGL Ch. 40A Sec. 6, ~~Any~~ increase in area, frontage, width, yard or depth requirements of this Zoning Bylaw shall not apply to a lot for single and two- family residential use which at the time of recording or endorsement, whichever occurs sooner, was not held in common ownership with any adjoining land, conformed to then existing requirements, and had less than the ~~new~~ proposed requirement but at least five thousand (5,000) square feet of area and fifty (50) feet of frontage ~~and was not held in common ownership with any other contiguous lot at the time of, or since, the effective date of the increased requirements.~~

Change proposed for consistency with MGL Ch. 40A Sec. 6

(ATM 5/16/01, #TM, 00/00/00)

2. ~~[Two (2) or three (3) a~~ Adjoining Vacant lots.] As provided in MGL Ch. 40A Sec. 6, ~~Any~~ increase in area, frontage, width, yard or depth requirements of this Zoning Bylaw shall not apply for a period of five (5) years from its effective date or for five years after January 1, 1976, whichever is later, to a lot for single and two- family residential use, provided the plan for such lot was ~~duly~~ recorded or endorsed and such lot was held in common ownership with any adjoining land and conformed to the existing zoning requirements as of January 1, 1976, and had less area, frontage, width, yard or depth requirements than the ~~dimensional and density requirements of the~~ newly effective zoning requirements but contained at least seven thousand five hundred (7,500) square feet of area and seventy-five (75) feet of frontage. and provided that said five (5) year period does not commence prior to January 1, 1976, and provided further that the provisions of this sentence ~~This exemption~~ shall not apply to more than three (3) of such adjoining lots held in common ownership. The provisions of this paragraph shall not be construed to prohibit a lot being built upon, if at the time of the building, building upon such lot is not prohibited by the Zoning Bylaw in effect.

Changes proposed for consistency with MGL Ch. 40A Sec. 6

TM 5/16/01, #TM, 00/00/00)

3. Subdivision and Approval Not Required Plans. Subdivision and Approval Not Required plans which meet the requirement set forth in MGL [Ch.] 40 A, Sec. 6 are protected from certain zoning changes for a period of eight (8) years in the case of subdivisions and three (3) years in the case of Approval Not Required plans.

4. One single family dwelling may be erected on any lot which existed, as of January 1, 1987 and meets the following provisions:

- a. Is presently ~~if~~-provided with either public water or sewer, had a minimum frontage of one hundred (100) feet or the approved equivalent and contained at least ten thousand (10,000) square feet of buildable upland, or if not provided with either public water or sewer, had at least one hundred (100) feet of frontage or the approved equivalent and contained at least fifteen thousand (15,000) square feet of buildable upland; [and]
- b. ~~e~~Complied with the Rules and Regulations of the Planning Board, if any, in effect at the time of endorsement. The proposed structure shall be located on such lot so as to conform with the following minimum setback requirements:

Road: 25 feet

Abutters: 15 feet

Inland and Coastal Conservancy Districts: 25 feet

Lots of fifteen thousand (15,000) square feet or more shall comply with the fifty (50) foot setback requirement of the Coastal Conservancy District.

This provision shall not apply to more than three (3) adjoining lots held in common ownership.

(#TM, 00/00/00)

5. Lots created after January 1, 1987 and prior to January 1, 1994. Any increase in area, frontage or other area requirements of this zoning bylaw shall not apply to a residential lot shown on a subdivision plan which complied with the requirements in effect for the zoning district at the time of the plan's submission to the Planning Board for approval under the Subdivision Control Law, provided:

1. The lot contains a minimum of 20,000 square feet; and
2. The lot contains a minimum of 10,000 square feet of buildable upland; and
3. The construction of all required roads, drainage, and utilities, if any, was completed and approved by the Planning Board within eight (8) years of the date of the Planning Board's endorsement of approval of the plan.

Codification of customary practice for protected lots between 10,000 and 14,999 sq. ft. Other amendment alternatives include: clarifying public water or sewer available on 1/1/87, eliminating section in its entirety or allowing development on such lots in exchange for the creation of affordable / workforce housing

This provision currently applies to approximately 8 lots. The other lots originally protected under this provision have been developed or 8 years has elapsed since the date of Planning Board endorsement and the road had not been constructed.

(12/9/96 STM)

- E.** Any nonconformity relative to setback or lot area created by the laying out and acceptances of a road or roads in the Town of Chatham as a public way or ways and/or any other public taking of land shall render any structure, use or lot as pre-existing nonconforming. Any structure or use that becomes nonconforming as a result of said taking may be extended provided that doing so does not increase the nonconforming nature of such structure or use. Any lot that is reduced in area such as to render it unbuildable because it no longer meets the minimum lot area for the zoning district in which it is located or because it no longer meets the minimum lot area for the exemptions in Section V. D. 1., V. D. 2., V. D. 3. or V. D. 4., may be built upon provided said lot was buildable prior to said ~~read~~public-taking of land. (5/11/92 ATM, #TM, 00/00/00)

This change extends the protection to all public takings of land.